

**121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.3323 of 2018 (O&M)
Date of decision : May 17, 2018**

Sanjay Pahwa and another **Petitioners**

Versus

Mrs. Raj Takkar and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. S.D. Bansal, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 21.04.2018 (Annexure P-4) passed by learned Civil Judge (Jr. Divn.), Chandigarh, vide which an application filed by defendant Nos.1(i) to (vi) for directing Shri. Rajiv Kumar Takkar, Advocate, who was appearing for plaintiff No.1 to clarify whether he is appearing as Attorney on behalf of the plaintiff or he is contesting the matter as an Advocate of the plaintiff, was dismissed.

Heard.

It comes out that Shri Rajiv Kumar Takkar, Advocate is otherwise son of plaintiff No.1. Mrs. Raj Takkar. The suit is for declaration and permanent injunction.

Learned counsel for the petitioners relies upon the authority of Hon'ble the Supreme Court Court delivered in case of “*Janki Vashdeo Bhojwani vs Indusind Bank Ltd.*”, 2005 AIR (SC) 439 and also the authority of Hon'ble Bombay High Court, delivered in case of “*Oil and Natural Gas Commission vs Offshore Enterprises Inc.*”, 1993 AIR

(Bombay) 217 as well as the authority of Kerala High Court, delivered in cas of “*Brenda Barbara Francis and others vs Adrian G. Miranda and others*” passed in *RFA No.353 of 2016*, decided on 08.07.2016.

In none of the abovenoted authorities, such application was filed during proceedings, asking an Advocate to clarify the status whether he is appearing as power of attorney holder or as an Advocate or appearing in dual capacity.

I am of the view that the said application is frivolous. There is no lis between Rajiv Kumar Takkar, Advocate and defendants. If the said applicants had any doubt as to in which capacity the said Advocate is appearing, they could ask such questions if and when he appears as a witness, asking the opposite counsel or attorney to clarify his status. Filing application under Section 151 CPC, 1908, is nothing but wasting of time of the trial Court as well as this Court. Therefore, the present revision petition is dismissed with costs qualified at ₹25,000/- to be deposited in the District Legal Authority, Chandigarh.

(KULDIP SINGH)
JUDGE

May 17, 2018

sarita

Whether speaking / reasoned Yes

Whether Reportable: No